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SENATE

{ REPORT
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CHAMPLAIN VALLEY HERITAGE CORRIDOR INVENTORY ACT

JUNE 27, 1996.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 1225]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1225) to require the Secretary of the Interior to conduct an inventory of historic sites, buildings, and artifacts in the Champlain Valley and the upper Hudson River Valley, including the Lake George area, and for other purposes, having considered the same, reports favorably thereon with an amendment and an amendment to the title, and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Heritage Corridor Study Act of 1996”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CORRIDOR.—The term “Corridor” means the area of the Champlain Valley, upper Hudson River Valley, and Lake George in Vermont and New York.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE AND LOCAL PARTNERS.—The term “State and local partners” means a cooperative working group comprised of officials of the States of Vermont and New York, local government officials, local historians and archaeologists, owners of historic sites, Native Americans, local and regional planning commissions, local and regional chambers of commerce, interstate organizations, and other interested persons.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary may provide technical and financial assistance to the State and local partners in developing and conducting a study of the Corridor to—

- (1) determine the important conflicts that occurred in the Corridor between 1609 and 1865;
- (2) identify the cultural and natural resources associated with these conflicts;
- (3) determine which cultural and natural resources best illustrate the conflicts of the Corridor;
- (4) assess the suitability and feasibility for incorporation of those resources into the Corridor;
- (5) conduct an economic analysis of the effects that incorporation into the Corridor would have on the immediate area that contains the resources; and
- (6) identify potential management entities to coordinate resources included in the Corridor.

(b) **CONSULTATION.**—The Secretary shall facilitate consultation between and among the Secretary, the State and local partners, and officials of the government of Canada and the Province of Quebec to determine means of linking historic sites along the Richelieu River and related sites in the United States in the Corridor.

SEC. 4. GENERAL MANAGEMENT PLAN.

After completion of the study under section 3, the Secretary may provide technical and financial assistance to the State and local partners in preparation of a general management plan for the Corridor that is based on the findings of the study.

SEC. 5. DESIGNATION.

After completion of the study under section 3, the Secretary shall make a recommendation to Congress on the area or areas within the Corridor that should be included in a congressionally designated American Heritage Corridor.

SEC. 6. PERMISSION FROM PRIVATE PROPERTY OWNERS.

The Secretary may not include private property in the recommendation to Congress under section 5 without consent from the owner of the property.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$250,000 to carry out this section.

2. Amend the title so as to read: “A bill to study and recognize the historical significance of the Champlain Valley, the upper Hudson River Valley, and the Lake George area, and for other purposes.”.

PURPOSE OF THE MEASURE

The purpose of S. 1225 is to authorize an inventory of historic and cultural resources within the Champlain Valley and the upper Hudson River Valley, and to assess the suitability and feasibility of designating sites as part of a national heritage corridor, or other management scheme.

BACKGROUND AND NEED

The Champlain and upper Hudson River Valleys in Vermont and New York consist of the Hudson River north from Albany, Lake George, the 120 mile length of Lake Champlain and the Richelieu River. The Champlain and Hudson River Valleys lie in a mainly rural landscape of green farmlands, hills and impressively high mountains—the Taconics, the Adirondacks, and the Greens.

From the summer of 1609 when Europeans first came down lake Champlain, and for the next 200 years, through the French and Indian War and the War of 1812, bloody conflict, time and time again visited the upper Hudson, Lake George, Lake Champlain and the Richelieu.

Much of the history of the upper Hudson, Lake George, Champlain and the Richelieu is a history of conflict. And as the 400th anniversary of Lake Champlain’s discovery by Europeans approaches, many remnants of the waterways’ extraordinary history survive. Here much of the great European struggle for control of

the New World was played out, and here were fought both the decisive campaign of the American Revolution and the battle that ended the War of 1812.

LEGISLATIVE HISTORY

S. 1225 was introduced by Senator Jeffords on September 8, 1995. Similar legislation, S. 1327, was introduced by Senators Jeffords, Leahy and Moynihan during the 103rd Congress. No further action was taken on S. 1327.

A hearing was held on S. 1225 by the Senate Subcommittee for Parks, Historic Preservation and Recreation on March 21, 1996. At the business meeting on June 19, 1996, the Senate Committee on Energy and Natural Resources ordered S. 1225, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 19, 1996, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1225 if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 1225, the Committee adopted an amendment in the nature of a substitute. The amendment addresses concerns raised by the National Park Service about its ability to conduct the study as directed by the legislation. As an alternative, the substitute amendment requires the Secretary of the Interior to facilitate a study through technical assistance to State, local and other stakeholders. The amendment also makes clear that the permission of private landowners must be obtained before publication of information about their land can occur.

The intent of the amendment is to encourage local involvement in this effort and to diminish the staff and fiscal requirements placed on the National Park Service.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act may be cited as the “American Heritage Study Act of 1996”.

Section 2 defines key terms in the Act.

Section 3(a) authorizes the Secretary of the Interior (the “Secretary”) to provide technical and financial assistance to State and local partners in developing and conducting a study of the Champlain Valley and upper Hudson River Valley corridor in the States of New York and Vermont. The purpose of the study would be to: (1) determine important historical conflicts in the corridor between the years 1609 and 1865; (2) identify cultural and natural resources associated with periods of historical conflict; (3) determine which resources best illustrate periods of historical conflict; (4) assess the suitability and feasibility of incorporating key resources into a Heritage Corridor (the “Corridor”); (5) conduct an economic analysis of the effects that a Heritage Corridor designation may have; (6) identify potential management entities to coordinate the resources in the Heritage Corridor.

Section 3(b) defines the role of the Secretary as serving as a facilitator for the study.

Section 4 authorizes the Secretary to provide technical and financial assistance to State and local partners in the preparation of a general management plan for the Corridor based on the findings of the study.

Section 5 directs the Secretary to make a recommendation to Congress on the area or areas within the Corridor that should be included in a Congressionally designated American Heritage Corridor.

Section 6 states that the Secretary may not include private property in the recommendations to Congress without the consent of the property owner.

Section 7 authorizes an appropriation of \$250,000 to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

On June 20, 1996 the Committee on Energy and Natural Resources requested a Congressional Budget Office estimate on S. 1225. This estimate had not been received at the time the report on S. 11225 was filed. When this estimate becomes available, the Chairman will request that it be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1225. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1225, as ordered reported.

EXECUTIVE COMMUNICATIONS

On June 20, 1996, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1225. These reports had not been received at the time the report on S. 1225 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to appear today to present the position of the Department of the Interior.

S. 1225 directs the Secretary of the Interior to conduct an inventory of the historic sites, buildings, and artifacts in the Champlain Valley and the Upper Hudson River Valley. We do not support this bill as currently written.

Mr. Chairman, S. 1225 directs the Secretary to undertake an inventory of the historic sites, buildings, and artifacts in the Champlain Valley and the upper Hudson River Valley, including the Lake George area, and submit to the Committee a report describing the results of the inventory. Although we believe that such an inventory is valuable and important, we do not think that it is the proper role for the Secretary to play in the Champlain and Hudson River Valleys and do not support the bill as currently written.

Through discussions with Congressional staff we have determined that the residents of the Champlain Valley and upper Hudson River Valley want assistance from the National Park Service in studying the resources of the region and in developing a plan to interpret, protect and promote those resources. This concept follows the idea of a heritage area. Legislation is currently pending in both the Senate and the House of Representatives to establish a heritage area program. The Champlain Valley and upper Hudson River Valley would qualify for that program as an area eligible for planning assistance.

The proposed heritage area program provides a means for communities to review and inventory resources and to develop a plan for their protection, interpretation and promotion. The feasibility study, inventory and eventual management plan are the responsibility of the local community or communities. The Secretary of the Interior is authorized to provide technical assistance and guidance to local groups or organizations involved in inventories, feasibility studies and planning as they develop their heritage area concept and program. It is critical that local groups and organizations have primary responsibility for feasibility studies and inventories because they will be responsible for the protection and promotion of those resources. The Secretary is available to assist communities in their endeavors but it is inappropriate for the Secretary of the Interior to have the primary responsibility for such an inventory and study.

Therefore, we recommend that this legislation be re-drafted along the lines of the pending heritage legislation. Recognition of the Champlain Valley and upper Hudson River Valley through heritage legislation would ensure

that there be local involvement in the study and planning of the area and would direct the Secretary to assist in an inventory and feasibility study. The National Park Service is most willing to provide drafting services or comment on proposed revisions at the sponsor's request.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 1225, as ordered reported.

